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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,348	12/14/2000	Elmootazbellah Nabil Elnozahy	AUS9-2000-0514-US1	8925

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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,348

Applicant(s)

ELNOZAHY ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date: 06072005
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Note

1. The Examiner would like to note that there appears to be a typographical error, "program product of claim 17" in line 1 of claim 25. It appears that Applicant may have intended for claim 25 to depend from claim 24, since it appears to be substantially identical to claim 9, which depends from claim 8.

Response to Arguments

2. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 17-23 and 33-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrick, Jr. et al. (US 6,006,260).

5. With regard to claim 1, Barrick discloses

providing first instructions (browser agent) stored on a server and attached to a first block of information (web page), wherein the block of information is stored on the server and is available for requesting by a client from a network (Col 7, Lines 11-16), and the first instructions are for causing the client to read a first reference time (start time), responsive to the client initiating access to a second block of information (Web page) from the server for delivery over the network (Col 7, Lines 51-52); and

providing second instructions (onload) stored on the server and attached to the second block of information stored on the server, wherein the second instructions are for causing the client to read a second reference time (end of interval) responsive to the client loading the second block of information (Col 7, Lines 57-61), and for causing the client to retrieve the first reference time and compute a time difference between the first and second reference times (Col 7, Lines 54-57), and wherein the first and second instructions are delivered to the client in response to at least one of the blocks of information being delivered to the client from the server (instructions are attached to requested web pages) (Col 7, Lines 11-16 and 51-52).

6. With regard to claim 2, Barrick further discloses that the first instructions are attached to a link in the first block of information, wherein the link references the second block of information, so that the first instructions are capable of being executed by the client upon loading information indicated by the link (time interval is measured when link is selected)(Col 7, Lines 18-36).

7. With regard to claims 3 and 5, Barrick further discloses that the second block of information is for the client to display in a page frame of a window (Col 8, Lines 50-51) and the first instructions include instructions for causing the client to load the first reference time in a hidden frame of the window (Col 8, Lines 57-61).

8. With regard to claims 4 and 6, Barrick further discloses that the second instructions include instructions for causing the client to read the first reference time in the hidden frame of the window (Browser agent records and stores times in hidden frame)(Col 8, Lines 57-61).

9. With regard to claim 7, Barrick further discloses providing a second reference to the first instructions for the client, by the instructions also being attached to the second block of information, wherein the second reference to the first instructions is for causing the client to read a third reference time, responsive to the client initiating access to a third block of information from the network and causing the client to load the third reference time in the hidden frame (Col 7, Lines 63-67).

10. Claims 17-23 and 33-39 are rejected for the reasons cited above with regard to claims 1-7, since they recite substantially identical subject matter. Barrick further discloses that the system is run on a server using a computer program product (Col 3, Line 64 to Col 4, Line 34).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrick, Jr. et al. (US 6,006,260) in view of Glommen et al. (US 6,766,370).

13. With regard to claims 8 and 9, while the system disclosed by Barrick shows substantial features of the claimed invention (discussed above), it fails to disclose that the first instructions include instructions for causing the client to store the first reference time in a cookie or that the second instructions cause the client to read the first reference time in the cookie.

Glommen teaches a similar system for monitoring delay on the Internet.

Glommen teaches storing and retrieving reference times in a cookie (Col 9, Lines 8-46). This allows the time to be transferred to the server with each request, since the cookie is appended to each request to the server. This would have been an advantageous addition to the system since it automatically appends the current delay values to each request to the server and allows persistent storage of the delay values on the client.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store and retrieve the reference times in a cookie since it allows persistent storage of the times and automatically sends the current values to the server with each request.

14. Claims 24,25,40, and 41 are rejected for the reasons cited above with regard to claims 8 and 9, since they recite substantially identical subject matter.

15. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrick, Jr. et al. (US 6,006,260) in view of Moncur ("Sams Teach Yourself JavascriptTM in 24 Hours, Second Edition").

16. The Examiner would like to note that the Moncur reference was obtained from Safari Books, and the pages have been numbered by the Examiner for referencing the relevant sections.

17. With regard to claims 10 and 11, while the system disclosed by Barrick shows substantial features of the claimed invention (discussed above), it fails to disclose discloses that the first instructions include instruction for causing the client to open a window and store the first reference time in the window or that the second instructions include instructions for causing the client to read the first reference time in the window. Rather, Barrick teaches the use of a frame to store and read the reference time.

Sams discloses using new windows as an alternative to using frames to store information. Sams discloses that frame objects and window objects are equivalent (Page 14, 5-7) and that windows may be created to store documents or other information without clearing the current window (Page 5, Lines 12-17) and also that windows may be closed by the script (Page 6, Lines 14-17). This would have been an advantageous addition to the system disclosed by Barrick if the system designer wanted to have the ability to open windows for storing data without clearing the contents of the current window or wanted the ability to close the window storing the data without requiring the user's permission.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a window to store the data rather than a frame since it gives the system designer more flexibility in handling by allowing them to close the window without closing the main browser window and requiring the user's permission.

18. Claims 26,27,42, and 43 are rejected for the reasons cited above with regard to claims 10 and 11, since they recite substantially identical subject matter.

19. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrick, Jr. et al. (US 6,006,260) in view of Sirigos ("How Do I communicate between windows?").

20. With regard to claims 12-15, while the system disclosed by Barrick shows substantial features of the claimed invention (discussed above), it fails to disclose storing/retrieving the reference time by appending the reference time to one of the window names and parsing the reference time from the window name.

Sirigos discloses a method of passing data from one window to another using Javascript. Sirigos teaches appending the reference value to the name of the window ("How Do I communicate between windows?", Pages 2-3). This would have been an advantageous addition to the system disclosed by Barrick since the window name attribute is persistent, even when a new page is loaded in the window; allowing the data to be maintained in the window even when a new page is loaded and does not require storing and date on the local machine.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to appending the reference value to the name of the window and retrieve it by parsing the window name as a means to maintain the reference time even when a new page is loaded in the window.

21. With regard to claim 16, Barrick further discloses providing a second reference to the first instructions for the client, by the instructions also being attached to the second block of information, wherein the second reference to the first instructions is for causing the client to read a third reference time, responsive to the client initiating access to a third block of information from the network and causing the client to load the third reference time in the hidden frame (Col 7, Lines 63-67).

22. Claims 28-32 and 44-48 are rejected for the reasons cited above with regard to claims 12-16, since they recite substantially identical subject matter.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
6/7/2005



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